

Federal Maritime Commission

§ 502.92

[Office and post office address]

[Signature of attorney or agent]

[Post office address]

Date \_\_\_\_\_, 19--.

VERIFICATION

[See form for verification of complaint in Exhibit No. 1 to this subpart and § 502.112.]

CERTIFICATE OF SERVICE

[See § 502.114.]

EXHIBIT NO. 3 TO SUBPART E [§ 502.72]—  
PETITION FOR LEAVE TO INTERVENE

*Before the Federal Maritime Commission*

Petition for Leave To Intervene

\_\_\_\_\_ v. \_\_\_\_\_ Docket No. \_\_\_\_\_.

Your petitioner, \_\_\_\_\_, respectfully represents that he (she) has an interest in the matters in controversy in the above-entitled proceeding and desires to intervene in and become a party to said proceeding, and for grounds of the proposed intervention says:

I. That petitioner is [State whether an association, corporation, firm, or partnership, etc., as in Exhibit No. 1 to this subpart, and nature and principal place of business].

II. [Here set out specifically position and interest of petitioner in the above-entitled proceeding and other essential averments in accordance with Rule 72 (46 CFR 502.72).]

Wherefore said \_\_\_\_\_ requests leave to intervene and be treated as a party hereto with the right to have notice of and appear at the taking of testimony, produce and cross-examine witnesses, and be heard in person or by counsel upon brief and at the oral argument, if oral argument is granted.

[If affirmative relief is sought, insert appropriate request here.]

Dated at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 19--.

Petitioner's signature]

[Office and post office address]

[Signature of agent or attorney of petitioner]

[Post office address]

VERIFICATION AND CERTIFICATE OF SERVICE

[See Exhibits Nos. 1 and 2 to this subpart.]

Subpart F—Settlement; Prehearing Procedure

§ 502.91 Opportunity for informal settlement.

(a) Parties are encouraged to make use of all the procedures of this part which are designed to simplify or avoid formal litigation, and to assist the parties in reaching settlements whenever it appears that a particular procedure would be helpful.

(b) Where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity for the submission and consideration of facts, argument, offers of settlement, or proposal of adjustment, without prejudice to the rights of the parties.

(c) No stipulation, offer, or proposal shall be admissible in evidence over the objection of any party in any hearing on the matter. [Rule 91.]

(d) Any party may request, or the presiding officer may suggest, that a mediator or settlement judge be appointed to assist the parties in reaching a settlement. If such a request or suggestion is made and is not opposed, the presiding judge will advise the Chief Administrative Law Judge who may appoint a mediator or settlement judge who is acceptable to all parties. The mediator or settlement judge shall convene and preside over conferences and settlement negotiations and shall report to the Chief Administrative Law Judge, within the time prescribed by the Chief Administrative Law Judge, on the results of settlement discussions with appropriate recommendations as to future proceedings. If settlement is reached, it shall be submitted to the presiding judge who shall issue an appropriate decision or ruling.

[49 FR 44369, Nov. 6, 1984, as amended at 58 FR 38649, July 19, 1993]

§ 502.92 Special docket applications and fee.

(a)(1) A common carrier or a shipper may file an application for permission to refund or waive collection of a portion of freight charges where it appears